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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,770	10/24/2005	Goran Sundholm	U 015738-6	6031
140 LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023	7590 05/03/2007		EXAMINER KIM, CHRISTOPHER S	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/531,770	SUNDHOLM, GORAN
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher S. Kim	3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 February 2007.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. The reply filed on February 2, 2007 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

3. Claim 9 is objected to because of the following informalities: in line 1, "In fire" should read --In a fire--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "...at least some of the medium re-circulated is passed into a discharge pipe (15) and not the pump means (3)." The disclosure, as originally filed, fails teach or disclose the explicit negative limitation.

6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant remarks that the amends to the claims do not narrow the claims and do not invoke any Festo-like limitations. It is clear that applicant has made substantive changes to the claims. For example, claims 8 and 14 now explicitly recite "1-300 bar." It is uncertain how the claims have not been further narrowed. Applicant is required to respond in the reply to this Office action.

Claim 1 recites, in the preamble, "In a method of a fire extinguishing spray apparatus,..." This appears to be grammatically incorrect. It is uncertain how an apparatus defines a method. Additionally, the claim fails to provide any method steps. It is uncertain whether claim 1 defines an apparatus or a method.

Claim 11 recites "a passage" in line 1. It appears to be a double inclusion of the "means for re-circulating" in claim 9.

Claim 16 recites the limitation "the liquid flow passage" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 1-6, 8, 9, 11-16 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Kirkelund et al. (4,491,505).

Kirkelund discloses an apparatus comprising: a source of medium 16; a pump means 12; means for conducting; at least one nozzle 28; means for re-circulating 43 (pipe having restrictor 40); means for passing 41.

This rejection, from the prior Office action, is repeated in light of applicant's remark that the claims have not be further narrowed.

8. Claims 8, 9, 11-13, 15, 16 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Kirkelund et al. (4,491,505).

Kirkelund discloses an apparatus comprising: a source of medium 16; a pump means 12; means for conducting; at least one nozzle 28; means for re-circulating 43 (pipe having restrictor 40); means for passing 41.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkelund et al. (4,491,505).

Regarding claim 10, Kirkelund discloses the limitations of the claimed invention with the exception of the pump means 12 being a constant volume pump or a piston

pump. Constant volume pumps and/or piston pumps are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have used a constant volume pump or a piston pump for the pump means 12 in the device of Kirkelund to reduce cost by using existing well proven components.

Regarding claim 14, Kirkelund discloses the limitations of the claimed invention with the exception of the pump means 12 being a 1-300 bar pressure pump. 1-300 bar pressure pumps are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have used a 1-300 bar pressure pump in the device of Kirkelund to reduce cost by using existing well proven components

### ***Response to Arguments***

11. Applicant's arguments filed February 2, 2007 have been fully considered but they are not persuasive.

Applicant's arguments are not commensurate in scope with the claimed invention.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher S. Kim  
Primary Examiner  
Art Unit 3752

CK